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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/275,887	03/25/1999	JOSEPH ROBERT OFFUTT JR.	07099.0980	1353

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EXAMINER

MORGAN, ROBERT W

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/275,887	Applicant(s) OFFUTT ET AL.	
	Examiner Robert W. Morgan	Art Unit 3626	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ they raise the issue of new matter (see Note below);

(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attachment.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.


Claim(s) rejected: 1,2,4-8,10-13,15-19,21-24,26-30 and 32-51.

Claim(s) withdrawn from consideration: NONE.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

10. ☐ Other: _____


JOSEPH THOMAS
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 3600

Advisory Action

In the remarks, Applicants argue in substance that, (1) Ahlstrom, Webber and Cochran do not teach or suggest providing a request including an origination location, a destination location and proximity tolerances specifying a user's acceptable range for alternative itineraries, or identifying an alternative itinerary that includes an alternative origination or destination location within the proximity tolerances; (2) Cochran does not disclose that the areas of interest are alternative hotels/resorts; and (3) Ahlstrom, Webber and Cochran do not teach or suggest identifying an alternative itinerary that includes an alternative or destination location within proximity tolerances included in a request reflecting a travel itinerary.

In response to Applicants argument that, (1) Ahlstrom, Webber and Cochran do not teach or suggest providing a request including an origination location, a destination location and proximity tolerances specifying a user's acceptable range for alternative itineraries, or identifying an alternative itinerary that includes an alternative origination or destination location within the proximity tolerances. The Examiner respectfully submit that references of Ahlstrom et al. and Webber et al. are relied on for teaching that the user inputs a starting location and a destination (see: Ahlstrom et al.: column 2, line 25). Ahlstrom et al. and Webber et al. also teach that alternative itineraries are evaluated during the data processing request where intermediate travel stops and alternative city pairings are evaluated to determine the optimum itinerary (see: Ahlstrom et al.: column 2, line 66 to column 3, line 15). In addition, Ahlstrom et al. and Webber et al. teaches a travel planner system where a travel arranger requests a flight from New York City (NYC) airport to Los Angeles International Airport (LAX) departing no earlier than 8 a.m. and no later than 10 a.m. and arriving no later 3 a.m. (see: Webber et al.: column 17, line 38 to

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column 19, line 47). There are 6 flight displayed to the travel arranger that include departure from two different airports (JFK and EWR) according to price, date and time (see: Webber et al.: column 19, lines 33-44 and Table). The reference of Cochran is relied on for teaching in one particular embodiment, a structured database of hotel and resort information records are searched and records are selected using any of the following qualifiers or selected search terms: proximity to another location, e.g. larger city, number of accommodations available; proximity to specific area of interest such as a tourist attractions, business location or airports (see: column 5, lines 63 to column 6, lines 7). Cochran et al. further teaches that the selected search terms for searching through the structured database include a search method that displays "IF APT. CODE THEN" section including parameter for the user to determine the appropriate distance to search from a particular hotel, tourist attractions, business location or airports (see: Fig. 4).

In response to Applicants argument that, (2) Cochran does not disclose that the areas of interest are alternative hotels/resorts. The Examiner respectfully submit that references of Ahlstrom et al. and Webber et al. are relied on for teaching that the user inputs a starting location and a destination (see: Ahlstrom et al.: column 2, line 25). Ahlstrom et al. and Webber et al. also teach that alternative itineraries are evaluated during the data processing request where intermediate travel stops and alternative city pairings are evaluated to determine the optimum itinerary (see: Ahlstrom et al.: column 2, line 66 to column 3, line 15). The reference of Cochran is relied on for teaching in one particular embodiment, a structured database of hotel and resort information records are searched and records are selected using any of the following qualifiers or selected search terms: proximity to another location, e.g. larger city, number of accommodations available; proximity to specific area of interest such as a tourist attractions, business location or

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airports (see: column 5, lines 63 to column 6, lines 7). In addition, the features upon which applicant relies (i.e., "... areas or interest are alternative hotels/resorts") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicants argument that, (3) Ahlstrom, Webber and Cochran do not teach or suggest identifying an alternative itinerary that includes an alternative or destination location within proximity tolerances included in a request reflecting a travel itinerary. The Examiner respectfully submit that Ahlstrom et al. and Webber et al. are relied on for teaching a travel planner system where a travel arranger requests a flight from New York City (NYC) airport to Los Angeles International Airport (LAX) departing no earlier than 8 a.m. and no later than 10 a.m. and arriving no later 3 a.m. (see: Webber et al.: column 17, line 38 to column 19, line 47). There are 6 flight displayed to the travel arranger that include departure from two different airports (JFK and EWR) according to price, date and time (see: Webber et al.: column 19, lines 33-44 and Table). Cochran et al. is relied on for teaching in one particular embodiment, a structured database of hotel and resort information records are searched and records are selected using any of the following qualifiers or selected search terms: proximity to another location, e.g. larger city, number of accommodations available; proximity to specific area of interest such as a tourist attractions, business location or airports (see: column 5, lines 63 to column 6, lines 7).

Applicant's other arguments merely rehash issues addressed in the Final Rejection mailed 8/20/04, and incorporated herein. Thus, the finality of the previous Office Action is maintained.